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12 *Attorney for Petitioner Jonathan Donner

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF NEVADA

15 Jonathan Donner,
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17 Petitioner,
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19 v.
20 State of Nevada, *et al.*,
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22 Respondents.
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Case No. 2:20-cv-01913-RFB-VCF

**Unopposed motion for extension of
time to file amended petition for a
writ of habeas corpus pursuant to
28 U.S.C. § 2254**

(Second Request)

POINTS AND AUTHORITIES

On September 4, 2020, the Federal District Court for the District of Nevada received Petitioner Jonathan Donner's petition for habeas relief under 28 U.S.C. § 2254. ECF Nos. 1, 1-1, 1-2. The petition was filed on October 23, 2020,¹ and Donner filed a Motion for Appointment of Counsel on November 2, 2020. ECF Nos. 3, 4. On July 28, 2021, the Court ordered Donner to correct administrative deficiencies with the petition. ECF No. 6. On August 14, 2021, Donner filed an amended petition complying with the requests stated in the Court's previous order. ECF No. 8. On September 3, 2021, the Court granted Donner's Motion for Appointment of Counsel and appointed the Federal Public Defender to represent Donner. ECF No. 9. The undersigned attorney filed her Notice of Appearance on September 23, 2021. ECF No. 11. On December 2, 2021, counsel requested an extension of time of 60 days to file the counseled amended petition. ECF No. 14. This Court granted that request on December 7, 2021. ECF No. 15. The counseled amended petition is currently due January 31, 2022. *Id.*

Petitioner Donner respectfully asks this Court to enter an order extending the deadline for filing a counseled amended petition by 60 days from January 31, 2022, until Friday, April 1, 2022.

This is Donner's second request for an extension of this deadline.

The undersigned attorney contacted opposing counsel, Senior Deputy Attorney General Jessica Perlick, on January 31, 2022, who did not object to this request for an extension of time. Her lack of objection should not be considered a waiver of any

¹ It appears Donner initially sent his petition to the Ninth Circuit around September 1, 2021 (*see* ECF No. 1-1 at 1), and the Ninth Circuit ultimately transmitted the petition to this Court, *see* ECF No. 1-2. It is unclear whether this Court filed the petition *sua sponte* or at the request of Donner. The petition (ECF No. 1-1) was initially attached to the transmittal letter from the Ninth Circuit Court of Appeals.

1 procedural defenses or challenges to the statute of limitations, or construed as
2 agreeing with the accuracy of the representations in this motion.

3 Counsel has been diligently reviewing the records in this case. Due to counsel's
4 recent schedule and the closure of all Nevada state prisons to attorney visits at the
5 beginning of 2022, counsel just had her initial attorney-client meeting with Donner
6 by phone on January 26, 2022. Over the coming two months, counsel has upcoming
7 deadlines in the following cases: an amended petition in *Herndon v. Neven*, No. 3:20-
8 cv-00489-MMD-CLB (D. Nev.), due February 2, 2022; an application for a certificate
9 of appealability due February 3, 2022, in *Gallegos v. Baca*, No. 21-16612 (9th Cir.);
10 an opposition to a motion to dismiss in *Heusner v. Neven*, No. 2:14-cv-01119-RFB-
11 GWF (D. Nev.), due February 7, 2022; an amended petition in *Morrisette v. Russell*,
12 No. 3:21-cv-00189-MMD-CLB (D. Nev.), due March 10, 2022; and an application for
13 a certificate of appealability in *Nichols v. Baca*, No. 21-16968 (9th Cir.), due March
14 14, 2022. Counsel will also be taking an international vacation from February 19,
15 2022, to February 28, 2022.

16 Accordingly, counsel respectfully requests this Court grant the request for an
17 extension of time to file the counseled amended petition for writ of habeas corpus in
18 order for the effective and thorough representation of Petitioner Donner in his federal
19 habeas action.


1 Dated January 31, 2022.

2 Respectfully submitted,

3 Rene L. Valladares
4 Federal Public Defender

5 */s/ Alicia R. Intriago*
6 _____
7 Alicia R. Intriago
8 Assistant Federal Public Defender

9 It is so ordered:

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12 _____
13 **RICHARD E. BOULWARE, II**
14 **United States District Court**

15 DATED this 2nd day of February, 2022.
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